

AMENDED IN ASSEMBLY JUNE 8, 2005

AMENDED IN ASSEMBLY MAY 31, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 224

Introduced by Senator Chesbro

February 15, 2005

An act to amend ~~Sections 129875.1 and~~ Section 129885 of, *and to add and repeal Section 129875.2 of*, the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 224, as amended, Chesbro. Health facilities: construction plans.

The existing Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires design and construction standards for hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster. The act requires the Office of Statewide Health Planning and Development (OSHDP) to approve or reject all plans for the construction or alteration of a hospital building, but authorizes OSHDP to exempt from that review or expedite the review for certain projects. Existing law requires projects for the construction or alteration of hospital buildings and skilled nursing and intermediate care facilities that are single-story, wood-frame or light steel frame construction to be exempt from plan review and inspection by OSHDP prior to construction if the facility demonstrates to OSHDP by written description of the project that specified conditions are met.

~~This bill would delete the requirement that hospital buildings and skilled nursing and intermediate care facilities be single-story,~~

~~wood-frame, or light steel frame construction to be exempt from plan review and inspection by OSHPD prior to construction if the facility demonstrates to OSHPD by written description of the project that specified conditions are met, and would instead require that exemption for all hospital buildings and skilled nursing and intermediate care facilities. The bill would authorize OSHPD, in consultation with the Hospital Building Safety Board, to develop regulations to define the construction or alteration projects that are eligible for the exemptions described in the bill.~~

Until January 1, 2009, this bill would authorize OSHPD to establish a plan review project that would exempt multistory hospital buildings from plan review and inspection by OSHPD if the facility demonstrates to OSHPD by written description of the project that those same specified conditions are met. The bill would require OSHPD to prepare and submit to the health policy committees of the Senate and Assembly a comprehensive report of the plan review project by March 1, 2008.

Existing law authorizes the governing authority of a hospital to request OSHPD to perform plan review and building inspection services for any building where outpatient clinical services of a licensed health facility are provided that is separated from a building in which hospital services are provided. If OSHPD agrees to perform those services, existing law requires OSHPD to charge an amount equal to its standard fee for the construction and alteration of hospital buildings.

This bill would instead require OSHPD to perform those services upon that request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 129875.2 is added to the Health and
- 2 Safety Code, to read:
- 3 129875.2. (a) The office may establish a plan review project
- 4 for multistory hospital buildings. The purpose of the plan review
- 5 project shall be to simplify the office's review and inspection
- 6 process and to expedite completion of repair and maintenance.
- 7 (b) Under a plan review project, construction or alteration
- 8 projects for multistory hospital buildings shall be exempt from

1 *plan review and inspection by the office prior to construction if*
2 *the facility demonstrates to the office, by written description of*
3 *the project, that all of the following conditions are met:*

4 *(1) The construction or alteration is limited to repairing*
5 *existing systems or keeping up the course of normal or routine*
6 *maintenance.*

7 *(2) The repair to existing systems or normal or routine*
8 *maintenance either restores the facility to the same operational*
9 *status or improves operational status from the facility's*
10 *operating condition immediately prior to the event, occurrence,*
11 *or condition that necessitated the alteration.*

12 *(3) The repair to existing systems or normal or routine*
13 *maintenance is not ordinarily within the standard of practice of a*
14 *licensed architect or registered engineer.*

15 *(4) The repair to existing systems or normal or routine*
16 *maintenance does not degrade the status or condition of the fire*
17 *and life safety system from the status of the system immediately*
18 *prior to the event, occurrence, or condition that necessitated the*
19 *alteration.*

20 *(c) Upon completion of construction or alteration of any*
21 *building subject to this section, and prior to use of the repaired*
22 *system or other subject of the construction or alteration, the*
23 *office shall inspect and approve the work. The office may require*
24 *an interim inspection for code compliance when walls, ceilings,*
25 *or other materials or finishes will cover the final work.*

26 *(d) Upon compliance with subdivision (b), the office shall*
27 *approve the written description of the project and issue a*
28 *building permit.*

29 *(e) The office shall prepare a comprehensive report of the plan*
30 *review project by March 1, 2008. The report shall include a*
31 *comprehensive review of the plan review project and shall assess*
32 *whether the purpose of the plan review project has been achieved*
33 *and whether the construction or alteration projects submitted*
34 *under this section have resulted in any significant potential*
35 *danger to the safety of hospital patients and workers or the*
36 *public. The report shall be submitted to the health policy*
37 *committees of the Senate and Assembly.*

38 *(f) This section shall remain in effect only until January 1,*
39 *2009, and as of that date is repealed, unless a later enacted*

1 *statute, that is enacted before January 1, 2009, deletes or extends*
2 *that date.*

3 ~~SECTION 1. Section 129875.1 of the Health and Safety Code~~
4 ~~is amended to read:~~

5 ~~129875.1. (a) Notwithstanding Section 129875, projects for~~
6 ~~the construction or alterations of buildings specified in paragraph~~
7 ~~(1) of subdivision (a) of Section 129725 and buildings specified~~
8 ~~in paragraphs (2) and (3) of subdivision (b) of Section 129725~~
9 ~~shall be exempt from plan review and inspection by the office~~
10 ~~prior to construction if the facility demonstrates to the office, by~~
11 ~~written description of the project, that all of the following~~
12 ~~conditions are met:~~

13 ~~(1) The construction or alteration is undertaken to repair~~
14 ~~existing systems or to keep up the course of normal or routine~~
15 ~~maintenance.~~

16 ~~(2) The construction or alteration either restores the facility to~~
17 ~~the same operational status, or improves operational status from~~
18 ~~its operating condition immediately prior to the event,~~
19 ~~occurrence, or condition that necessitated the alteration.~~

20 ~~(3) The scope of the construction or alteration is not ordinarily~~
21 ~~within the standard of practice of a licensed architect or~~
22 ~~registered engineer.~~

23 ~~(4) The construction or alteration does not degrade the status~~
24 ~~or condition of the fire and life safety system from the status of~~
25 ~~the system immediately prior to the event, occurrence, or~~
26 ~~condition that necessitated the alteration.~~

27 ~~(b) Upon completion of construction or alteration of any~~
28 ~~building subject to this section, and prior to use of the repaired~~
29 ~~system or other subject of the construction or alteration, the~~
30 ~~office shall inspect and approve the work. The office may require~~
31 ~~an interim inspection for code compliance when walls, ceilings,~~
32 ~~or other materials or finishes will cover the final work.~~

33 ~~(c) Upon compliance with subdivision (a), the office shall~~
34 ~~issue a building permit.~~

35 ~~(d) In consultation with the Hospital Building Safety Board,~~
36 ~~the office may develop regulations to define the construction or~~
37 ~~alteration projects that are eligible for the exemptions described~~
38 ~~in this section. The regulations shall be applicable to projects for~~
39 ~~the construction or alteration of buildings specified in paragraph~~
40 ~~(1) of subdivision (a) of Section 129725, except for those~~

1 ~~buildings that are of single-story, wood-frame or light steel frame~~
2 ~~construction.~~

3 SEC. 2. Section 129885 of the Health and Safety Code is
4 amended to read:

5 129885. (a) A city or county, as applicable, shall have plan
6 review and building inspection responsibilities for the
7 construction or alteration of buildings described in paragraph (1)
8 of subdivision (b) of Section 129725. The building standards for
9 the construction or alteration of buildings specified in paragraph
10 (1) of subdivision (b) of Section 129725 established or applied
11 by a city or county, shall not be more restrictive or
12 comprehensive than comparable building standards established,
13 or otherwise applied, to clinics licensed pursuant to Chapter 1
14 (commencing with Section 1200) of Division 2. For chronic
15 dialysis and surgical services buildings, construction or alteration
16 shall include conversion of a building to a purpose specified in
17 paragraph (1) of subdivision (b) of Section 129725.

18 (b) Upon the initial submittal to a city or county by the
19 governing authority or owner of a hospital for plan review and
20 building inspection services for buildings described in paragraph
21 (1) of subdivision (b) of Section 129725 for chronic dialysis and
22 surgical services, the city or county shall reply in writing to the
23 hospital as to whether or not the plan review by the city or county
24 will include a certification as to whether or not the clinic project
25 submitted for plan review meets the clinic standards propounded
26 by the office in the California Building Standards Code.

27 If the city or county indicates that its review will include this
28 certification, it shall do all of the following:

29 (1) Apply the applicable clinic provisions of the latest edition
30 of the California Building Standards Code.

31 (2) Certify in writing to the applicant within 30 days of
32 completion of construction whether or not the standards have
33 been met.

34 (c) If, upon initial submittal, the city or county indicates that
35 its plan review will not include this certification, the governing
36 authority or owner shall submit the plans to the Office of
37 Statewide Health Planning and Development and the office shall
38 review the plans for certification to determine whether or not the
39 clinic project meets the standards propounded by the office in the
40 California Building Standards Code.

1 (d) When the office performs the certification review, the
2 office shall charge a fee in an amount not to exceed its actual
3 cost.

4 (e) Notwithstanding subdivision (a), the governing authority of
5 a hospital may request the Office of Statewide Health Planning
6 and Development to perform plan review and building inspection
7 services for buildings described in paragraph (1) of subdivision
8 (b) of Section 129725 and Section 129730. The office shall
9 perform these services upon request and shall charge an amount
10 equal to its standard fee for the construction and alteration of
11 hospital buildings. The construction or alteration of these
12 buildings shall conform to the applicable provisions of the latest
13 edition of the California Building Standards Code for purposes of
14 the plan review and building inspection of the office pursuant to
15 this subdivision. The office shall issue the building permit and
16 certificate of occupancy for these facilities.

17 (f) A building described in paragraph (1) of subdivision (b) of
18 Section 129725 that is subject to the plan review and building
19 inspection of the office pursuant to subdivision (e), may be
20 designated by the governing authority or owner of the hospital as
21 a “hospital building” as long as the building remains under the
22 jurisdiction of the office. This hospital building shall be reviewed
23 and inspected according to the standards and requirements of the
24 Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983
25 (Chapter 1 (commencing with Section 129675)).

26 (g) When a building is accepted for review by the office
27 pursuant to subdivision (e), the governing authority of the
28 hospital shall not request the city or county, as applicable, to
29 conduct plan review and building inspection for any subsequent
30 alteration of the same building, unless written notification is
31 submitted to the office by the governing authority or owner of the
32 hospital.